IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5680 OF 2005

1. Mr. Rajendra Mahadeo Patil
2. Mr. Rajendra Gajanan Gaikwad
3. Mr. Balkrushna Kashinath Gharat ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri. A.P. Mundargi, Senior Counsel h/f Shri.K. K. Kandpile for the Applicants.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 13, 2005.

P.C.:

1. Heard the learned Senior Counsel appearing for the Applicants and the learned A.P.P. for the State. The learned Counsel for the Applicants submitted that as far as the Applicant Nos.2 and 3 are concerned, the only allegation is that they have pushed the first informant as a result of which the first informant fell down. He submitted that investigation is substantially completed and therefore, the Applicants are entitled to relief.

2. The learned A.P.P. pointed out that the allegation against the Applicant No.1 is that he assaulted the first informant by using a sword. The learned A.P.P. did not dispute that the investigation is substantially completed. However, he submitted that considering the gravity of the allegations against the Applicants and in particular the Applicant No.1, relief of Anticipatory Bail cannot be granted.

3. I have considered the submissions. Investigation is substantially completed. So far as the Applicant Nos.2 and 3 are concerned, it is alleged that they pushed the first informant as a result of which he fell down. As investigation is substantially completed and as hardly any role is attributed to the Applicant Nos.2 and 3 in so far as assault on first informant is concerned, they are entitled to relief. No criminal antecedents of the Applicants are brought on record.

4. So far as the Applicant No.1 is concerned, it is alleged that he has used a sword as a weapon of assault and therefore, he is not entitled to Anticipatory bail. At this stage, the learned Senior Counsel appearing for the Applicants prayed that the Applicant No.1 may be granted reasonable time to surrender before the appropriate Court. He submitted that the investigation is substantially completed as the offence alleged is under section 326 of the Indian Penal Code. This liberty deserves to be granted to the Applicants in the facts of the case.

5. Hence, I pass the following order:

: O R D E R :

i) Application is rejected so far as the

Applicant No.1 is concerned.

ii) In the event of the arrest of the Applicant Nos.2 and 3 in connection with **C.R.NO.I 299 of 2005 registered with Panvel Police Station, District Raigad,** the Applicant Nos.2 and 3 shall be enlarged on bail subject to furnishing P.R. Bond in the sum of **Rs.10,000/- each** with one or two local in the like amount.

iii) The Bail is granted subject to condition that the Applicant Nos.2 and 3 will attend the concerned Police Station as and when called upon to do so and will co-operate with the Investigating Officer for the purposes of investigation.

iv) The Bail is granted subject to condition that the Applicant Nos.2 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicants shall not tamper with the prosecution evidence.

v) Any observation made in this order shall not be construed as any finding or any expression of

opinion on the merits of the case at the time of trial.

vi) This order will enure to the benefit of the Applicant Nos.2 and 3 only till the chargesheet is filed. Thereafter, they will be free to apply to the appropriate Court for appropriate relief.

vii) Application is disposed of in the above terms.

viii) The Applicant No.1 is granted time to surrender before the appropriate court till 19th September, 2005. It is obvious that after the Applicant No.1 surrenders, the parties will be at liberty to take out appropriate Application for appropriate relief. The Applicant No.1 will give prior intimation to the Investigating Officer of the date and time of surrender.

ix) The parties to act upon an authenticated copy of this order.

JUDGE